



## **Request for City Council Committee Action from the Department of Community Planning and Economic Development – Planning Division**

Date: January 19, 2012

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

**Subject:** Determination of the need for an Environmental Assessment Worksheet (EAW) for the proposed Linden Corner project located at 4242, 4246, 4246 ½, 4250 and 4264 Upton Avenue South in response to a petition signed by more than 25 individuals and filed with the Minnesota Environmental Quality Board (EQB).

**Recommendation:** Based on the information in the file and within the attached Findings of Fact and Record of Decision document, The City of Minneapolis, concludes the following:

1. This "Findings" document and related documentation were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minnesota Rules, Parts 4410.1000 to 4410.1700.
2. The project does not meet any of the mandatory EAW thresholds contained in Minn. Rules 4410.4300.
3. If the individual components (residential/commercial) of this mixed-used project were proposed standing alone, both would be exempt from environmental review pursuant to Minn. Rules 4410.4600.
4. The proposed project lies outside the boundaries of the Shoreland Overlay District. Minneapolis Code of Ordinances § 551.450. The project will be located over 1,000 feet from the ordinary highwater mark of Lake Harriet.
5. The petitioners failed to meet their burden of proof that the project may have the potential for significant environmental effects. Although there are many arguments presented, they are largely anecdotal and unsupported by compelling evidence.
6. The City of Minneapolis makes the finding that the petition for an EAW for the Linden Corner project on the property located at 4242, 4246, 4246 ½, 4250 and 4264 Upton Avenue South is denied.
7. The City of Minneapolis City Council shall adopt the proposed Findings of Fact and Record of Decision document.

**Ward: 13**

Prepared by: Hilary Dvorak, Interim Planning Manager, 612-673-2639 Approved by: Jason Wittenberg, Interim Planning Director Presenters in Committee: Hilary Dvorak, Interim Planning Manager
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**Community Impact:**

Neighborhood Notification: Not applicable. None needed for this EQB mandated decision.

**Background/Supporting Information:** Jane Prince, as a representative for the petitioners, filed a petition requesting the preparation of an Environmental Assessment Worksheet (EAW) for the project known as Linden Corner (Project) proposed at 4242, 4246, 4246 ½, 4250 and 4264 Upton Avenue South with the Minnesota Environmental Quality Board (EQB) on December 30, 2011. The EQB subsequently assigned the City of Minneapolis as the Responsible Governmental Unit (RGU) after determining that the petition was complete and valid. According to the petitioner, the petition is based on the projects location adjacent to the Lake Harriet shoreland area, and its potential environmental impacts including stormwater run-off, groundwater contamination, noise, car traffic and visual impacts. The petitioner's complete statement and reasons for the petition are attached.